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## SENATE RESOLUTION

REQUESTING THE DRUG ENFORCEMENT ADMINISTRATION TO REMOVE MARIJUANA FROM SCHEDULE I OF THE FEDERAL CONTROLLED SUBSTANCES ACT IN RECOGNITION THAT MARIJUANA DOES NOT MEET THE CRITERIA OF A FEDERAL SCHEDULE I CONTROLLED SUBSTANCE, AS A CURRENTLY ACCEPTED MEDICAL USE OF MARIJUANA IN TREATMENT EXISTS IN THE UNITED STATES, INCLUDING HAWAII.

1 WHEREAS, the structure of our government allows for the  
2 distribution of power between the states and the federal  
3 government; and  
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5 WHEREAS, a power that remains with the states is the  
6 authority to accept the medical use of controlled substances;  
7 and  
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9 WHEREAS, Congress enacted the federal Controlled Substances  
10 Act with the clear intent of allowing for changes in the  
11 scheduling of controlled substances based on changes in state  
12 medical use; and  
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14 WHEREAS, Hawaii lawfully exercised its authority to accept  
15 the medical use of controlled substances in 2000, when it  
16 created the State's medical marijuana program and accepted the  
17 medical use of marijuana in treatment; and  
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19 WHEREAS, under the federal Controlled Substances Act,  
20 scheduling under schedule I requires several findings, one of  
21 which is that the drug or controlled substance has no currently  
22 accepted medical use in treatment in the United States; and  
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24 WHEREAS, marijuana does not satisfy that finding to be  
25 scheduled as a schedule I controlled substance, as medical use  
26 of marijuana in treatment currently exists and is accepted in  
27 Hawaii and the United States; and  
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29 WHEREAS, the Drug Enforcement Administration, the agency  
30 that administers the federal regulation of controlled  
31 substances, may not deny a State's authority to change the



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1 status of a controlled substance that has a currently accepted  
2 medical use in treatment; and

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4 WHEREAS, Hawaii is lawfully entitled to create a state  
5 regulated distribution system that will allow patients to  
6 purchase marijuana for medical use; and

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8 WHEREAS, the Drug Enforcement Administration, by enforcing  
9 an obsolete regulation that classifies marijuana as a federal  
10 schedule I controlled substance and ignoring the currently  
11 accepted medical use of marijuana in treatment that exists in  
12 Hawaii and the United States, is preventing Hawaii from creating  
13 a state regulated distribution system that complies with federal  
14 law; now, therefore,

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16 BE IT RESOLVED by the Senate of the Twenty-seventh  
17 Legislature of the State of Hawaii, Regular Session of 2014,  
18 that the Drug Enforcement Administration is requested to follow  
19 the federal Controlled Substances Act and remove marijuana from  
20 federal schedule I, in recognition of the currently accepted  
21 medical use of marijuana in treatment that exists in Hawaii and  
22 the United States; and

23  
24 BE IT FURTHER RESOLVED that certified copies of this  
25 Resolution be transmitted to the Attorney General of the United  
26 States, Administrator of the Drug Enforcement Administration,  
27 Secretary of Health and Human Services, Governor, Director of  
28 Health, Director of Public Safety, and State Attorney General.

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